

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Robert C. Hurlburt

v.

Case No. 07-cv-363-PB

Commissioner, NH Department
of Corrections

O R D E R

The Commissioner's motion for summary judgment establishes beyond all doubt that petitioner's claims were rejected in state court because they are procedurally barred. Petitioner has not demonstrated either cause for his default or prejudice. Nor has he offered a persuasive argument that the court's failure to consider his claims will result in a miscarriage of justice.

The motion for summary judgment ([Doc. No. 14](#)) is granted.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

August 13, 2009

cc: Robert Hurlburt, pro se
Elizabeth Woodcock, Esq.